281.

AN ACT FOR MINISTERS: And Payment of Tythes.

Friday, *March* 16. 1659.

ORdered by the *Parliament*, That this Act be forthwith Printed and Published.

THOMAS St. NICHOLAS,
Clerk of the Parliament.

LONDON,
Printed by *John Streater*, and *John Macock*, Printers to the Parliament, 1659.

FOR

MINISTERS

And

Impropriate Tithes.

Friday, March 16. 1659.

Ordered, by the Parliament, That this Act be forthwith Printed and Published.

THOMAS ST. NICHOLAS,

Clerk of the Parliament.

LONDON,

Printed by John Bringhurst, for Henry Brome, Printer to the Parliament, 1659.

(3)

AN

ACT

FOR

MINISTERS:

And

Payment of Tythes.

BE it Enacted by this present Parliament, That every Person who hath been Settled in any Parsonage or Vicaridge, Presentative or Donative, or Hospital within this Commonwealth heretofore Sequestred, and was in Possession thereof the fourteenth of March, One thousand six hundred fifty nine, the Sequestred or Ejected Minister being living at the time of such Settlement or Presentation, such and no other Person shall be, and is hereby Adjudged and Declared the perfect Incumbent to all Intents and Purposes, and shall and may have, Enjoy, Retain and Possess, Sue for, and Recover all Tythes and other Profits and Advantages whatsoever, to such Parsonage, Vicaridge or Donative, or Hospitall belonging, as if such Person or Persons had been legally Instituted and Inducted, any Law, Statute, or Use to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority

aforesaid, That upon the Death, Deprivation, Resignation or Removal of the Minister so Settled and now Adjudged the Incumbent by Vertue of this Act, it shall be lawful for the Patron (being neither Delinquent nor Papist) to present to such Parsonage, Vicaridge, Presentative or Donative, or Hospital, as if the Incumbent formerly Sequestred or Ejected were naturally dead.

Provided allways, And be it further Enacted by the Authority aforesaid, That where the Sequestred or Ejected Minister is not seized of to his own use, or others in Trust, for him or his Wife, of the Reall Estate of thirty pounds per annum, or possessed of a Personal Estate of the value of five hundred pounds; The Justices of Peace or any two of them, whereof one to be of the Quorum, shall within their respective Counties, Cities and Places, make unto the Sequestred Minister during his life, Allowance out of the Profits of the said Parsonage or Vicaridge, not exceeding a fifth part of the Profits thereof. And the said Justices, or any two of them, are hereby Impowred and Required to Sequester for the Use of (and cause to be paid over to) the said Sequestred Minister, the said Allowance, with such Arrears thereof (if any shall be) with such Costs and Damages, as the said Justices shall think fit, in case the Incumbent shall refuse to pay the same.

Provided allwayes, That where there hath been Agreement between the Parties, or Determination by the Parliament, or by any Authority from them Derived, the payment of the said Arrears shall be accordingly.

Provided,

Provided, That no Ejected or Sequestred Minister, shall have or receive any benefit, or advantage by vertue of this Act, that resides and remains in the Parish or place out of which he is Ejected, or Sequestred, Without the Consent of the present Incumbent during such Residence, Any thing before in this Act, or any other matter or thing to the Contrary thereof notwithstanding. Provided allwayes, That nothing in this Act shall extend, to the Charging any person hereby made, and declared Incumbent as aforesaid, with the Payment of First-fruits, untill the death of the Person Ejected, or Sequestred from any such Parsonage, or Vicarage as aforesaid, at which time he shall be lyable to pay the same, and not before.

Provided allwayes, That this Act, nor any thing herein contained, shall not extend to the settling or confirming any person or persons in any Parsonage, Vicarage, or Chappel with Care of Souls, by vertue of this Act, That is not Ordained Minister, and Preacher, of the Word of God.

Provided also, That Mr. William Woodward, who by Order of the Committee for Plundered Ministers bearing date the 24th of June, 1649, was settled in the Sequestred Rectory of Riccards Castle, in the Counties of Hereford, and Salopp, be hereby declared and adjudged perfect Incumbent to all Intents and Purposes of the said Rectory of Riccards Castle, notwithstanding he were not in actual possession thereof, the Fourteenth day of March, 1659.

Provided also, And be it Enacted, That no

 person

person shall be Confirmed in any Sequestred Living, or shall receive any publique maintenance thereby, whose fitnesse and Ability for the Ministry, shall not be examined and approved, according to the Act of Parliament, by the Commissioners therein mentioned for Approbation of Publique Preachers, within Six Moneths next ensuing.

Provided also, And it is Enacted, That every Patron and Patrons, his Heirs, Executors, Administrators, and Assigns, may from and after the avoidance of the Churches, Hospitals and Vicaridges, Wherein such Incumbents are hereby settled by death of the said Incumbents or otherwise, Present unto, or Confer the said Churches, Hospitals, and Vicaridges respectively, in such manner, to all intents and purposes as he or they might have done, or should do, upon the avoidance of the said Churches, Hospitals, or Vicaridges respectively by the death of such sequestred Incumbent or Minister.

And if any person or persons have just cause of Complaint of any undue Sequestration, against whom no determination hath been made, by any persons formerly authorized in that behalf, It is hereby Enacted, That any such person may repair to the Lords Commissioners of y Great Seal, and the Master of y Rolls for the time being, or any Two of them, to make his Complaint to them, who, or any Two or more of them, have Authority to hear and Examine the same, and to send for persons and witnesses as they see cause, and to Examine upon Oath or otherwise, And to give their Order therein, by referring to a Tryall at Law, or removing,

or

or settling the Incumbent, and putting any other in Possession as they see cause, who shall continue perfect Incumbent, upon such settlement, untill the Parliament take further Order therein.

Provided allwayes, And be it further Enacted, That if any Minister or Ministers, have been formerly Ejected or Sequestred, whose Conversations and Lives have been and are blameless, and they found in Doctrine, shall be capable to be presented to any Living in the Church of England; Any Law or Ordinance made by this Parliament, or any Authority derived from the same, to the contrary, notwithstanding, so as such Minister do Officiate, according to the Directorie Established, and not otherwise.

Provided, And it is further Enacted, That any two Justices of the Peace, dwelling in or near to the Parish, where cause of complaint shall arise, and not interressed, shall have power, and are required, upon any complaint for detention, or non-payment, of small or personall Tythes, or Duties by Law due to any Vicar or Parson in right of the Vicarage, or Parsonage Farmers, or Impropriators or other person claiming the same, under him or them, to give such Remedy therein as any Justice or Justices of ỳ Peace by any Law, Act, or Ordinance now in Force may do, in case of complaint for Tythes Predial, and cause Execution of Sentence and Costs to be had, and that such appeal, and in such manner be allowed and had, as in case of such Sentence for Tythes predial: And that all Acts and Ordinances for the duepayment of Tythes, be and are hereby Revo-

ved

ved and Continued in Force. And that this Act shall continue untill the Parliament take further Order.

Friday, *March* 16. 1659.

ORdered *by the Parliament*, That this Act be forthwith Printed and Published.

THOMAS St. NICHOLAS,
Clerk of the Parliament.

LONDON,
Printed by *John Streater*, and *John Macock*,
Printers to the Parliament. 1659.